

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECT REPORT CORPORATION d/b/a
SHAREHOLDER.COM ,

Plaintiff,

v.

CCBN.COM, INC., THE THOMSON
CORPORATION, ROBERT I. ADLER, JOHN
DOES 1 through 5 and JANE DOES 1 through 5,

Defendants.

Civil Action No. 04-10535-PBS

**PLAINTIFF SHAREHOLDER.COM'S MOTION TO COMPEL DEFENDANTS
CCBN.COM AND THE THOMSON CORPORATION TO CONDUCT SEARCHES OF
CCBN.COM'S ELECTRONIC BACK-UP TAPES**

Plaintiff Shareholder.com (Shareholder) moves to compel defendants CCBN. com (CCBN) and the Thomson Corporation to conduct searches of CCBN's electronic back-up tapes. On March 1, 2005, this Court ordered the defendants to conduct searches of back-up tapes containing electronic information from 2002 for communications between CCBN and its potential clients. The same principles motivating this Court's March 1, 2005 decision also require that the defendants search the back-up tapes for documents responsive to Shareholder's other document requests. Electronic information generated in 2002 is crucial to Shareholder's case, and it can only be found on the back-up tapes. Further, this Court has already recognized that restoring and searching the back-up tapes will not be unduly burdensome for the defendants. Finally, the defendants have admitted that once the back-up tapes are restored to conduct

searches for documents responsive to a single request, it is no more costly to conduct additional searches for documents responsive to other requests.

For these reasons, and for the reasons set forth in Shareholder's memorandum in support of this motion, which is being filed separately under seal today, Shareholder respectfully requests that the Court order the defendants to restore and search the back-up tapes for (1) CCBN's communications with its potential clients and (2) information responsive to Shareholder's other document requests.

SHAREHOLDER.COM

By its attorneys,

/s/ Melissa C. Allison

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June 20, 2005

LOCAL RULE 7.1 CERTIFICATE

Counsel for Shareholder.com certifies that it conferred with counsel for CCBN.com and the Thomson Corporation, and the parties were unable to resolve or narrow the issues presented in this motion.

/s/ Melissa C. Allison